IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Abdul Hamid Vs. State of Rajasthan & Anr.

S.B.CR.MISC. PETITION NO.885/2005

DATE OF ORDER :: December 19, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.D.S.Rathore, for the petitioner.

Mr.Ashok Upadhyaya, P.P.

BY THE COURT:

I have heard learned counsel for the parties. Perused the order dt. 2.7.2005 passed by the Additional Sessions Judge No.1, Chittorgarh (for short 'the revisional court' hereinafter) as also the order dt. 21.2.2005 passed by the Judicial Magistrate, Chittorgarh (for short 'the trial court' hereinafter) declining to release the vehicle i.e. Jeep bearing No.RJ05C/0504 on "Supurdaginama".

From the perusal of the orders of both the courts below, it

appears that registered owner is one Fayyaz Khan and the petitioner is claims to be a power of attorney holder. It appears from the order of the trial court dt. 21.2.2005 that the petitioner has decided to purchase the said jeep from its registered owner but the registered owner is not prepared to get the ownership of the vehicle transferred in favour of the petitioner. This shows that the petitioner has no title to the vehicle and the principal, who is registered owner of the vehicle does not wish to transfer the vehicle in favour of the petitioner and, therefore, the trial court was justified in not releasing the vehicle in favour of the petitioner. However, Fayyaz Khan, who is said to be the registered owner of the said jeep may seek the custody of the vehicle, if so advised.

The petition is, therefore, dismissed. However, it will be open for the registered owner to move before the trial court for the custody of the vehicle and if the registered owner moves before the trial court, the trial court shall consider the same and decide in accordance with law.

[H.R.PANWAR],J.

m.asif/-